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11 October 2022

**Via CM/ECF and Federal Express**

The Honorable José R. Almonte  
U.S.M.J., United States District Court  
for the District of New Jersey (Newark)  
Frank R. Lautenberg U.S. Post Office & Courthouse Building  
2 Federal Square  
Newark, NJ 07102

**Re: Metacel Pharmaceuticals, LLC v. Rubicon Research Private Limited  
U.S.D.C.(D.NJ)  
Civil Action No. 2:21-cv-19463-EP-JRA**

Dear Judge Almonte:

Our firm represents Defendant, Rubicon Research Private Limited ("Rubicon" or "Defendant"), in the above referenced matter. We write on behalf of Rubicon to respectfully request the Court's consent of an extension from the October 10, 2022<sup>1</sup> deadline to move to amend its pleadings. On October 7, 2022, Rubicon requested Plaintiff Metacel Pharmaceuticals, LLC's ("Metacel") consent to this extension. On October 11, 2022, Rubicon requested a meet and confer with Metacel, however Metacel did not respond to Rubicon's request.

Rubicon believes a claim will likely arise upon the first anti-competitive harm incurred by Rubicon, which would begin the moment Rubicon receives Tentative Approval of its ANDA from FDA (the "Tentative Approval") but is prevented from launching due to the maintenance of this litigation. Accordingly, the time has not yet come for Rubicon to file a counterclaim in this current litigation, yet the deadline to amending the pleadings is presently set by the Scheduling Order (ECF No. 25) for October 10, 2022.

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<sup>1</sup> The parties jointly understand that due to the federal holiday on October 10, 2022, the October 10, 2022 deadline to amend pleadings is extended to October 11, 2022.

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Rubicon proposes an extension of the current deadline for the sole purpose of Rubicon adding this anticipated counterclaim. Rubicon proposes the deadline to move to amend its pleadings in this matter to be extended to ten (10) business days following Rubicon's receipt of Tentative Approval from FDA. By proceeding in this fashion, the parties are not burdened with considering the above-referenced issues prematurely and, further, the Court need not address these issues at this time.

For the foregoing reasons, Rubicon respectfully requests that the Court grant its request for an extension of the October 10, 2022 deadline to move to amend its pleadings in this matter. If the foregoing meets with the Court's approval, we respectfully request that Your Honor execute the below provision and have this letter filed of record by the Clerk of Court.

We thank the Court for its consideration and assistance with this matter.

Respectfully yours,



R TOUEY MYER

RTM/rec

cc: Counsel of Record (*via E-mail*)

The above request for an extension of time to move for leave of the Court to amend the pleadings within ten (10) business days of Defendant's receipt of Tentative Approval from FDA.

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HONORABLE JOSÉ R. ALMONTE, U.S.M.J.

Dated: \_\_\_\_\_